

REMARKS

This is intended as a full and complete response to the Office Action dated June 15, 2007, having a shortened statutory period for response set to expire on September 17, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-7, 10, 13-15, 17-18, 23-24, 26, 28-29, 31 and 33-34 are pending in the application. Claims 1-7, 10, 13-15, 17-18, 23-24, 26, 28-29, 31 and 33-34 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 10, 13-15, 17-18, 23-24, 26, 28-29, 31 and 33-34 are rejected under 35 U.S.C. 102 (e) as being anticipated by *Newell et al.* (U.S. Patent No. 5,159,560, hereinafter, "*Newell*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Newell* does not disclose "each and every element as set forth in the claim". For example, *Newell* does not disclose "receiving, at the vending machine, a response to the request indicative of whether the item is available in at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine." The Examiner argues that *Newell*

discloses the claim element in the abstract, at col. 3, lines 42-67, col. 4, lines 30-59 and col. 13 – col. 15.

However, the cited passages are in fact directed to a vending machine network capable only of dispensing, tracking inventory, billing, logging machine faults, and inter-vending. Specifically, col. 3, lines 42-67 and the abstract generally discuss these limited functions of the invention in *Newell*. Col. 4, lines 30-59 is directed to updating the inventory records, for example, by using bar codes. The inventory records may need to be updated when inter-vending occurs. Inter-vending occurs when a videocassette from one vending machine is returned to another vending machine. This function of updating the inventory records does not include “receiving, at the vending machine, a response to the request indicative of whether the item is available in at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine.” Updating the inventory merely lets the network know where a particular videocassette is located, it does not indicate to a customer where to retrieve the videocassette. Additionally, col. 13 – col. 15 is directed to generating reports for service requests based on machine errors, an operator adding and removing tapes from the inventory, inter-vending, and billing. None of the citations are directed to checking availability of the product within a network of vending machines.

Therefore, claims 1, 17, and 23 are believed to be allowable, and allowance of the claims is respectfully requested. Claims 2-7, 10, 13-15, 16-18, 24, 26, 28-29, 31, and 33-34 depend from claims 1, 17, and 23 and thus are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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